



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

April 17, 2009

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To: Supervisor Don Knabe, Chairman
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From: William T Fujioka
Chief Executive Officer

MOTION TO SUPPORT SB 797 (PAVLEY), THE TOXIN-FREE TODDLERS AND BABIES ACT (ITEM NO. 7, AGENDA OF APRIL 21, 2009)

Item No. 7 on the April 21, 2009 Agenda is a motion by Supervisor Yaroslavsky to send a five-signature letter in support of SB 797 (Pavley) to the Los Angeles County State Legislative Delegation, and instruct the County's Legislative advocates in Sacramento to pursue the County's position on the bill.

SB 797, as introduced April 2, 2009, would enact the Toxin-Free Toddlers and Babies Act, which would prohibit the commercial manufacture, sale, or distribution of any bottle or cup, or any liquid, food, or beverage in a can or jar, containing Bisphenol A (BPA) at a level above 0.1 parts per billion, if the product is intended primarily for children three years of age or younger. The bill notes that BPA is a known hormone disruptor and that the National Institutes of Health is concerned that BPA exposure in children may lead to problems with brain development, behavior, early puberty, breast cancer, and prostate cancer. It also indicates that new research has suggested that BPA may interfere with metabolism and lead to obesity, heart disease, and diabetes.

According to the author, millions of babies and toddlers in California are being exposed daily to BPA. While some manufacturers have already removed this substance from their products, it is still used in a wide variety of goods. The author indicates that

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SB 797 will help protect children from this dangerous chemical by banning the use of BPA in children's feeding containers.

Canada announced a ban on BPA in baby bottles and restrictions on use in infant formula cans in October of 2008. Two Federal bills, S. 593 (Feinstein and Schumer) and H.R. 1523 (Markey), were introduced in March 2009 to ban BPA in all food products. Bills also have been introduced in 18 states to ban BPA in consumer products.

The Department of Public Health indicates that the extent and degree of risks associated with BPA is not fully known. Babies and pregnant women are the groups that are at greatest risk of harmful effects of BPA. In 2008, an extensive and detailed National Institute and Environmental Health Sciences (a branch of the National Institute of Health) report found equivocal evidence of toxicity, though it acknowledged some concern about potential toxicity in mothers and infants. The FDA performed a follow up study; however, an external review panel questioned that report. At issue are the results of animal studies which suggest that doses of BPA similar to those which humans could be exposed result in hormonal disruptions. Additional research is needed to better determine the health effects of a BPA exposure.

Nevertheless, the concept that BPA bottles and baby cups be discontinued is probably reasonable as a precautionary step, although there are other actions that could be taken such as labeling requirements. Therefore, the Department of Public Health recommends support for SB 797.

SB 797 is sponsored by the Environmental Working Group and is supported by Asian Health Services; Breast Cancer Fund; California League of Conservation Voters; California Nurses Association; California Public Interest Research Group; California Women, Infants, and Children Association; Clean Water Action; Clean Water Fund; Commonweal; Consumer Federation of California; Consumer's Union; Environment California; Moms Making Our Milk Safe; Physicians for Social Responsibility, Los Angeles; Planned Parenthood Affiliates of California; San Diego Coastkeeper; Service Employees International Union; Sierra Club California; Women's Foundation of California; and Zero Breast Cancer.

SB 797 is opposed by the American Chemistry Council; California Grocers Association; Civil Justice Association of California; and the Grocery Manufacturers Association.

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The bill is scheduled for a hearing on April 20, 2009, in the Senate Environmental Quality Committee.

Because there is no Board policy limiting levels of BPA in commercial products intended for use by children, **support for SB 797 is a matter for Board policy determination.**

WTF:GK
MAL:VE:sb

c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Public Health